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DEPARTMENT OF
REGISTRATION AND EDUCATION

NOBLE J. PUFFER
Director

SPRINGFIELD

• 1949 •

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MEDICAL PRACTICE ACT



AN ACT to revise the law in relation to the practice of the treatment of human ailments for the better protection of the public health and to prescribe penalties for the violation hereof.
Approved June 30, 1923.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act shall be known as the Medical Practice Act.

Sec. 2. No person shall practice medicine, or any of its branches, or midwifery, or any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, without a valid, existing license so to do.

Sec. 3. No person, except as otherwise provided in this Act, shall hereafter receive such a license unless he shall pass an examination of his qualifications therefor by and satisfactory to the Department of Registration and Education, hereinafter referred to as the Department.

Sec. 4. Each applicant for such examination shall:

1. Make application for examination on blank forms prepared and furnished by the Department;

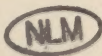
2. Submit evidence under oath satisfactory to the Department that:

(a) He is twenty-one years of age or over;

(b) He is of good moral character;

(c) He has the preliminary and professional education required by this Act;

(d) He is a citizen of the United States or has made a declaration of intention to become a citizen or, having made such declaraton of inten-



tion has filed a petition for naturalization within thirty days after becoming eligible to do so.

3. Designate specifically the name, location and kind of professional school, college, or institution of which he is a graduate and the system or method of treatment under which he seeks, and will undertake, to practice;

4. Pay in advance to the department fees as follows:

(a) For the examination to practice medicine in all of its branches, or to treat human ailments without the use of drugs or medicines and without operative surgery, or for any special or supplemental examination, ten dollars;

(b) For the examination to practice midwifery, five dollars. (As amended by Act approved July 11, 1939.)

Sec. 5. Minimum standards of professional education to be enforced by the department in conducting examinations and issuing licenses shall be as follows:

1. For the practice of medicine in all of its branches:

(a) For an applicant who is a graduate of a medical college before the passage of this Act, that such medical college at the time of his graduation required as a prerequisite to graduation a four years' course of instruction of not less than nine months each, in such medical college, or its equivalent, the time elapsing between the beginning of the first year and the ending of the fourth year having been not less than forty months, and which was reputable and in good standing in the judgment of the department; and prior to taking such examination said applicant must present proof that he has completed a four years' course of instruction in a high school or its equivalent as determined by an examination conducted by the department.

(b) For an applicant who is a graduate of a medical college after the passage of this Act, that such medical college at the time of his graduation required as a prerequisite to admission thereto a two years' course of instruction in a college of liberal arts, or its equivalent, or in such medical college, and at least a four years' course of instruction of not less than nine months each, in the treatment of human ailments in such medical college, or its equivalent, the time elapsing between the beginning of the first year and the ending of the fourth year in such medical college having been not less than forty months, except that as to students matriculating or entering upon such medical course during the years 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947, the said elapsed time shall be not less than thirty-six months, and in addition thereto, a course of training of not less than twelve months in a hospital, such college of liberal arts, medical college and hospital having been reputable and in good standing in the judgment of the department;

2. For the practice of any system or method of treating human ailments without the use of drugs or medicines and without operative surgery;

(a) For an applicant who was a resident student and who is a graduate before July 1, 1926, of a professional school, college or institution which taught the system or method of treating human ailments, which he specifically designated in his application as the one he would undertake to practice, that such school, college or institution, at the time of his graduation required as a prerequisite to graduation a three years' course of instruction of not less than six months each, the time elapsing between the beginning of the first year and the ending of the third year having been not less than twenty-two (22) months, and which was reputable and in good standing in the judgment of the department, and prior to taking said examination said applicant

must present proof that he has completed a four years' course of instruction in high school, or its equivalent, as determined by an examination conducted by the department.

(b) For an applicant who was a resident student and who is a graduate after July 1, 1926, of a professional school, college or institution which taught the system or method of treating human ailments which he specifically designated in his application as the one which he would undertake to practice, that such school, college or institution at the time of his graduation required as a prerequisite to admission thereto a four years' course of instruction in a high school, and as a prerequisite to graduation therefrom a four years' course of instruction in the treatment of human ailments, of not less than eight months each, in such professional school, college or institution, the time elapsing between the beginning of the first year and the ending of the fourth year in such professional school, college or institution having been not less than thirty-six (36) months, except that as to students matriculating or entering upon a course of study of any system or method of treating human ailments without the use of drugs or medicines and without operative surgery during the years 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947, the said elapsed time shall be not less than thirty-two months, such high school and such school college or institution having been reputable and in good standing in the judgment of the department.

3. For the practice of midwifery:

(a) Before July 1st, 1926, the examination of an applicant who desires to practice midwifery shall be of such a character as to determine the qualifications of the applicant to practice midwifery.

(b) For an applicant on or after July 1st, 1926, that he be a graduate of a college of midwifery which requires as a prerequisite to admission thereto a one year's course of instruction in a high school or

its equivalent, and required as a prerequisite to graduation, a six months' course of instruction in such college of midwifery; and for an applicant after July 1st, 1930 that he be a graduate of a college of midwifery which requires as a prerequisite to admission thereto, a one year's course of instruction in a high school or its equivalent and required as a prerequisite to graduation, a one year's course in such college of midwifery, the time actually spent under instruction in such college of midwifery to have been not less than twelve months; such high school or equivalent school, and such college of midwifery having been in good standing in the judgment of the department. (Amended by Act approved July 25, 1945,)

Sec. 6. The course of instruction in high schools, or other schools, and colleges of liberal arts required by any medical college or professional school, college or institution, or required under any of the provisions of this Act, shall have been such as shall be satisfactory to the department, and shall be evidenced with respect to any application in the manner required by the department.

Sec. 7. All examinations provided for by this Act shall be conducted under rules and regulations prescribed from time to time by the department. Examinations shall be held not less frequently than four times every year, at times and places prescribed by the department, of which applicants shall be notified by the department in writing, and may be conducted wholly or in part in writing.

Sec. 8. Examination of applicants who seek to practice medicine in all of its branches shall embrace the subjects of which knowledge is generally required of candidates for the degree of doctor of medicine by reputable medical colleges in the United States, and shall be such in the judgment of the department as will determine the quali-

fications of applicants to practice medicine in all of its branches.

Sec. 9. Examinations of applicants who seek to practice any system or method of treating human ailments without the use of drugs or medicines and without operative surgery shall be the same as required of applicants who seek to practice medicine in all of its branches, excepting therefrom materia medica, therapeutics, surgery, obstetrics, and theory and practice, and shall be such in the judgment of the department as will determine the qualifications of the applicant to practice the particular system or method of treating human ailments without the use of drugs or medicines and without operative surgery which he specifically designated in his application as the one which he would undertake to practice. If the applicant is a graduate of a professional school, college or institution in which obstetrics was taught to him as well in the judgment of the department as such subject was taught at the same time in medical colleges in the United States reputable and in good standing in the judgment of the department, he may upon his request be examined in obstetrics.

Sec. 10. Examination of applicants who seek to practice midwifery shall be such in the judgment of the department as will determine the qualifications of applicants to practice midwifery.

Sec. 11. Every applicant successfully passing his examinations shall be entitled to an appropriate license. The following kinds of licenses shall be issued:

1. To practice medicine in all of its branches, to applicants passing examinations therefor;

- 2 To treat human ailments without the use of drugs or medicines and without operative surgery, to applicants passing examinations therefor, the applicant under such a license to be specifically restricted by the terms thereof to the practice of

the system or method which he specifically designated in his application as the one which he would undertake to practice, but such of these applicants as shall have successfully passed the examination in obstetrics under the requirements of section 9 of this Act shall also be specifically licensed in the same instrument to practice obstetrics.

3. To practice midwifery.

Sec. 12. Any person licensed under the provisions of this Act to practice any system or method of treating human ailments without the use of drugs or medicines and without operative surgery shall be permitted to take the examination in materia medica, therapeutics, surgery, obstetrics, theory and practice and shall receive a license to practice medicine in all of its branches if he shall successfully pass such examination, upon proof of having successfully completed in a medical college or in any professional school, college or institution teaching any system or method of treating human ailments, reputable and in good standing in the judgment of the department, courses of instruction in materia medica, therapeutics, surgery, obstetrics, and theory and practice deemed by the department to be equal to the courses of instruction required in those subjects for admission to the examination for a license to practice medicine in all of its branches, together with proof of having completed (a) the two years' course of instruction in a college of liberal arts, or its equivalent, described in section 5 of this Act, and (b) a course of training of not less than twelve months in a hospital reputable and in good standing in the judgment of the department. But if such applicant for a license to practice medicine in all of its branches shall already have a license to practice obstetrics, he shall not be required to take an examination in that subject under the provisions of this section.

Sec. 12a. The requirements of section 12, in so far as they relate to the completion of a two

years' course of instruction in a college of liberal arts or its equivalent, described in section 5 of this Act, shall be waived by the department where the applicant shows (a) that he is the holder of a valid license to treat human ailments without the use of drugs and medicines or without operative surgery, duly issued by the State of Illinois prior to the passage of this Act; and (b) that he has been engaged in the active practice of his profession for a period of not less than five (5) years prior to the passage of this Act; and (c) that he is a graduate of a professional school, college or institution which taught the treatment of human ailments by the system or method which he has followed in the practice of his profession for the period aforesaid and which was reputable and in good standing at the date of his graduation in the judgment of the department.

Sec. 13. The department may in its discretion issue a license without examination to any person who has been licensed to practice medicine, or to practice the treatment of human ailments according to any system or method, in any other state, territory, country,, or province, upon the following conditions:

1. That the applicant is a citizen of the United States or has made a declaration of intention to become a citizen or, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so;

2. That the applicant is of good moral character;

3. That if the applicant seeks to practice medicine in all of its branches

- (a) He is a graduate of a medical college, reputable and in good standing at the date of his graduation in the judgment of the department;

- (b) The requirements for a license to practice medicine in all of its branches in the particular state, territory, country or province in which he is

licensed are deemed by the department to have been substantially equivalent to the requirements for a license to practice medicine in all of its branches in force in this State at the date of his license;

4. That if the applicant seeks to treat human ailments without the use of drugs or medicines and without operative surgery

(a) He is a graduate of a professional school, college or institution which taught the treatment of human ailments by the system or method which he specifically designated in his application as the one which he would undertake to practice, and which was reputable and in good standing at the date of his graduation in the judgment of the department;

(b) The requirements for his license to practice the treatment of human ailments without the use of drugs or medicines and without operative surgery according to the system or method which he specifically designated in his application as the one which he would undertake to practice, are deemed by the department to have been substantially equivalent to the requirements for a license to practice such system or method in force in this State at the date of his license.

5. That the state, territory, country, or province in which such applicant was licensed shall be then according a like privilege to persons so licensed under the authority of the laws of this State;

6. That the department may in its discretion issue a license without examination to any graduate of a professional school, college, or institution teaching the treatment of human ailments, reputable and in good standing in the judgment of the department, who has passed an examination for admission to the medical corps of the United States Army, or that of the United States Navy, or that of the United States Public Health Service, or who has passed any other examination deemed by the department to have been at least

equal in all substantial respects to the examination required for admission to any such medical corps;

7. That applications for licenses without examination shall be filed with the department under oath on blank forms prepared and furnished by the department and shall set forth, and applicants therefor shall supply, such information respecting the life, education, professional practice, and moral character of applicants as the department may require to be filed for its use. (As amended by Act approved July 11, 1939.)

Sec. 14. Every person receiving a license under this Act shall pay to the department the following fees:

1. For a license to practice medicine in all of its branches, or for a license to practice any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, five dollars;

2. For a license to a person without examination, twenty-five dollars;

3. For a license to practice midwifery, three dollars.

Sec. 15. Every person holding a license under this Act, and every person holding a license or certificate under any prior Act in this State regulating the practice of medicine or the practice of the treatment of human ailments in any manner as a profession, shall have it recorded, if not already so recorded, in the office of the county clerk, in every county in which he regularly practices, and the county clerk shall write or stamp thereon the date of such recording. Until such license or certificate shall be recorded the holder thereof shall not exercise any of the rights or privileges conferred therein. The county clerk shall keep in a book provided for that purpose, and open to public inspection, a complete list of such licenses and certificates heretofore or hereafter recorded by him

and his predecessors in office, including the date of the issue of each license or certificate, the name of the person therein, and the date of the recording thereof.

Sec. 16. The Department may revoke or suspend the license or certificate of any person issued under this Act, or issued under any other Act in this State, to practice medicine, or to practice the treatment of human ailments in any manner, or to practice midwifery, or may refuse to grant a license under this Act, and may cause any license so revoked or suspended to be marked cancelled on the records of any county clerk upon any of the following grounds:

1. Conviction of procuring or attempting or aiding to procure such an abortion as was made unlawful at the time under the provisions of the Criminal Code of this State;

2. Conviction of a felony;

3. Gross malpractice resulting in permanent injury or death of a patient;

4. Obtaining a fee, either directly or indirectly, either in money or in the form of anything else of value or in the form of a financial profit as personal compensation, or as compensation, charge, profit or gain for an employer or for any other person or persons, on the fraudulent representation that a manifestly incurable condition of sickness, disease or injury of any person can be permanently cured;

5. Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate for performance of professional duties;

6. Holding one's self out to treat human ailments under any name other than his own, or the personation of any other physician;

7. Employment of fraud, deception or any unlawful means in applying for or securing a license or certificate to practice the treatment of human

ailments in any manner, or to practice, midwifery, or in passing an examination therefor, or wilful and fraudulent violation of the rules and regulations of the department governing examinations;

8. Holding one's self out to treat human ailments by making false statements or by specifically designating any disease, or group of diseases and making false claims of one's skill, or of the efficacy or value of one's medicine, treatment or remedy therefor;

9. Professional connection or association with, or lending one's name to, another for the illegal practice by another of the treatment of human ailments as a business or professional connection or association with any person, firm, or corporation holding himself, themselves, or itself out in any manner contrary to this Act.

All proceedings to suspend or revoke a license on any of the foregoing grounds, except the ground numbered 7 (fraudulent grounds excepted) shall be commenced within three years next after such conviction or commission of any of the acts described therein, except as otherwise provided by law; but the time during which the holder of such license was without the State of Illinois shall not be included within such three years.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a license under this Act operates as a suspension of such license. Such person may resume his practice only upon a finding by the Committee of Physicians that the licensee has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation that the licensee be permitted to resume his practice. (Amended by Act filed July 27, 1943.)

Sec. 17. (a) No license or certificate shall be suspended or revoked upon any of said grounds unless the holder thereof, or the applicant therefor,

shall have been summoned to appear before the department by a citation signed by the director and unless the person so summoned shall have been given a hearing before the department. No citation shall be issued except upon a sworn complaint, filed with the department, setting forth the particular act or acts charged against the person to be cited. Upon the filing of such sworn complaint if it sets forth grounds for which a license may be suspended or revoked under section 16 of this Act, the director shall forthwith issue a citation containing a copy of it, and notifying such person of the time and place when and where a hearing of such charges shall be had, and commanding him to file his written answer thereto under oath within twenty days after the service on him of such citation, and notifying him that if he shall fail to file such answer default will be taken against him and his license or certificate may be suspended or revoked, as the case may be. In case such person shall fail to file his answer, having received such citation, the license of such person may in the discretion of the department be suspended or revoked, as the case may be, without a hearing, if the act or acts charged in such citation shall constitute sufficient grounds for such action under this Act. Such citation and any notice in such proceedings thereafter may be served by registered mail. The hearing may be had at a date not less than thirty days after the issue of such citation. At the hearing such person shall be accorded ample opportunity to present to the department in his defense, in person or by counsel, such statements, testimony, evidence and argument as he may desire to bring to its attention. The department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing, and the department shall furnish a transcript of such testimony and proceedings to any person interested in such hearing upon payment therefor of five cents per one hundred words for the

original and three cents per one hundred words for each copy thereof. The citation, answer and all other documents in the nature of pleadings filed in the proceedings, and the transcript of testimony shall be the record thereof. Upon a showing of reasonable grounds the director may extend the time for filing such answer, may continue such hearing from time to time, and may within thirty days after any order of suspension or revocation of any license, upon the written recommendation of the committee provided for in Section 17a, set aside such order. The department may at any time after such suspension or revocation of any license restore it to the person affected without examination upon the written recommendation of such committee.

(Amended by Act approved June 10, 1949.)

Sec. 17a. None of the functions, powers and duties enumerated in this Act shall be exercised by the Department of Registration and Education except upon the action and report in writing of the examining committee which shall be composed of persons designated from time to time by the Director of Registration and Education in the manner provided in Section 60a of "The Civil Administrative Code of Illinois", approved March 7, 1917, as amended, to take such action and to make such report for the profession involved herein.

The action or report in writing of a majority of the committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore a license or certificate of authority, he may order a re-examination or re-hearing by the same or other examiners. (Amended by Act approved July 25, 1945.)

Sec. 17a. All final administrative decisions of

the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act." (Act approved June 10, 1949. Also added Sec. 17a to this Act.)

Sec. 17b. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words of testimony taken by the Department, and three cents per hundred words of all other matters contained in the record. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Act approved June 10, 1949.)

Sec. 18. The Department shall have the power to administer oaths, subpoena and examine witnesses, and issue subpoenas duces tecum requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry before the department, in the same manner as witnesses are subpoenaed in equity cases in the Circuit Court. The department may upon its own initiative, and shall upon the written request of any person cited to appear before it in accordance with the provisions of section 16 of this Act, issue subpoenas for the attendance of such witnesses and the production of such books, papers, records and documents as it shall require in the transaction of its business, or as shall be designated in such request, but the person applying for such subpoenas shall advance the witness fees and fees for service of subpoenas provided for in suits pending in the Circuit Court. Service of such subpoenas shall be made by any sheriff or constable or other person

in the same manner as in cases in such court. In case any person so served shall wilfully neglect or refuse to obey any such subpoena, or to testify, the director may at once file a petition in the Circuit Court of the county in which such hearing is to be heard, or has been attempted to be heard, or in the Circuit or Superior Court in Cook County, setting forth the facts of such wilful refusal or neglect, and accompanying said petition with a copy of the citation, and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and may apply for an order of court requiring such person to attend and testify, or produce books and papers, before the department, at a specific time and place. Any Circuit Court of the State or the Superior Court of Cook County, or any judge thereof, either in term time or vacation, upon such showing shall within proper judicial discretion order such person to appear and testify, or produce such books or papers, before the department at a time and place to be fixed by the court or judge. If such person shall wilfully fail or refuse to obey such order of the court or Judge, without lawful excuse, the court shall punish him by fine or by imprisonment in the county jail, or by both such fine and imprisonment, as the nature of the case may require and may be lawful in cases of contempt of court. Every witness attending before the department at any hearing under this Act shall be entitled only to such compensation for his time and attendance and payment of traveling expenses as is or shall be allowed by law to witnesses attending such courts, which shall be paid by the person requiring, or by the department if requiring on its own initiative, such testimony or evidence. The department upon its own motion, or upon application of any person interested in any such hearing, may issue a *dedimus potestatem* directed to any commissioner, notary public, justice of the peace, or to any other officer authorized by law to administer oaths, to take

depositions of persons whose testimony may be deemed by the department necessary in any such hearing. Such dedimus potestatem may issue to any part of Illinois, or to any other state, or any territory of the United States or to any foreign country. The department shall have the power to adopt reasonable rules to govern the issue of a dedimus potestatem, the taking of such depositions and the payment of all expenses thereof.

Sec. 19. The Department shall have power and it shall be its duty

1. To make rules for establishing reasonable minimum standards of educational requirements to be observed by medical colleges, or by any professional school, college, or institution teaching any system or method of treating human ailments, or by colleges of midwifery, and to determine the reputability and good standing of all schools, colleges, and institutions now, heretofore, or hereafter existing.

2. To require satisfactory proof whether any medical college, or professional school, college or institution teaching any system or method of treating human ailments, or any college of midwifery, enforced at any particular time in the past the standard of preliminary education requisite to admission thereto;

3. To determine the standard of literary or scientific colleges, high schools, seminaries, normal schools, preparatory schools, graded schools, and the like, in the discharge of its duties.

Sec. 20. The provisions of this Act shall not be so construed as to discriminate against any system or method of treating human ailments, or against any medical college, or any professional school, college or institution teaching any system or method of treating human ailments, on account of any such system or method which may be taught or emphasized in such medical college, or in such professional school, college or institution.

Sec. 21. Nothing in this Act shall be construed to prohibit any person from using any antiseptic prescribed by the Department of Public Health of the State for the prevention of the spread of communicable diseases, nor from using antidotes, or rendering any other service, in any case of emergency if without charge or compensation.

Sec. 22. All licenses and certificates heretofore legally issued by authority of law in this State permitting the holder thereof to practice medicine, or to treat human ailments in any other manner, or to practice midwifery, and valid and in full force and effect on the taking effect of this Act, shall have the same force and effect, and be subject to the same authority of the department to revoke or suspend them as licenses issued under this Act.

Sec. 23. If any section, subdivision, sentence or clause of this Act shall be held to be invalid or unconstitutional, such decision shall not affect the remaining parts of this Act.

Sec. 24. If any person shall hold himself out to the public as being engaged in the diagnosis or treatment of ailments of human beings; or shall suggest, recommend or prescribe any form of treatment for the palliation, relief or cure of any physical or mental ailment of any person with the intention of receiving therefor, either directly or indirectly, any fee, gift, or compensation whatsoever; or shall diagnosticate or attempt to diagnosticate, operate upon, profess to heal, prescribe for, or otherwise treat any ailment, or supposed ailment, of another, or shall maintain an office for examination or treatment of persons afflicted, or alleged or supposed to be afflicted, by any ailment; or shall attach the title Doctor, Physician, Surgeon, M. D., or any other word or abbreviation to his name, indicative that he is engaged in the treatment of human ailments as a business; and shall not then possess in full force and virtue a valid license issued by the authority of this State to prac-

tice the treatment of human ailments in any manner, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 25. Any person who shall practice medicine in any of its branches, or shall treat human ailments by any system or method, or shall practice midwifery, without a valid existing license under the laws of this State so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 26. Any person who shall treat human ailments by the use of drugs or medicines or operative surgery and shall have only a license to treat human ailments without the use of drugs or medicines and without operative surgery, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 27. Any person who shall treat human ailments in any manner not constituting midwifery, and shall have only a license to practice midwifery, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Neither section 26 or 27 shall apply to the use by midwives of such drug or medicine as is furnished

by the State Department of Public Health for the prevention and not the treatment of ophthalmia neonatorum.

Sec. 28. Any person, not being licensed in this State to practice medicine in all of its branches, who shall hold himself out by any sign or advertisement, or by a writing of any kind, to treat human ailments without therein attaching to his name a word or words indicating the system, method or kind of practice which he is lawfully licensed to pursue in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 29. Any person, not being licensed in this State to practice medicine in all of its branches, or not being licensed in this State specifically to practice midwifery either separately or in connection with the treatment of human ailments without the use of drugs or medicines and without operative surgery, who shall practice midwifery, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 30. Any person who shall obtain a fee, either directly or indirectly, either in money or in the form of anything else of value, or in the form of a financial profit either as personal compensation or as compensation, charge, profit or gain for an employer, or any other person or persons, on the representation that he can permanently cure a manifestly incurable condition of sickness, disease or injury of any person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred

dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 31. Any person who shall hold himself out to treat human ailments under any name other than his own, or by the personation of any physician, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 32. Any person who shall hold himself out to treat human ailments by any system or method of treatment other than that for which he holds a valid, existing license under the laws of this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 33. Any person who shall employ fraud or deception in applying for or securing a license under this Act, or in passing any examination therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 34. Any person who shall in connection with any application or examination before the department file, or attempt to file, with the department as his own, the diploma, license or certificate of another, shall be guilty of a felony and shall be punished therefor as the law shall prescribe at the time for forgery.

Sec. 35. Any person who shall wilfully swear or affirm falsely, or make or file any affidavit wil-

fully and corruptly, in filing or prosecuting his application for a license before the department, or in submitting any complaint, evidence or testimony to the department under the provisions of this Act, or under any rule or regulation of the department, shall be guilty of a felony and shall be punished therefor as the law shall prescribe at the time for perjury.

Sec. 36. All such fines shall inure to the benefit of the department.

Sec. 37. This Act shall not apply to dentists, pharmacists, optometrists, or other persons lawfully carrying on their particular profession or business under any valid existing Act of this State regulatory thereof, nor to persons rendering gratuitous services in cases of emergency, nor to persons treating human ailments by prayer or spiritual means as an exercise or enjoyment of religious freedom.

Sec. 38. The following Acts are hereby repealed: "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," approved April 24, 1899, and "An Act to revise the law relative to the practice of the art of treating human ailments," approved June 25, 1917; and all Acts and parts of Acts in conflict or inconsistent herewith are hereby repealed.

Sec. 39. No proceedings to revoke or suspend any license shall abate by reason of the passage of this Act. And the department may revoke or suspend a license on account of any act or circumstance occurring before this Act shall take effect, if such act or circumstance is a ground for such revocation or suspension under the provisions of the law in effect at the time of such act or circumstance, and such act or circumstance if it occurred after this Act shall take effect would be a ground for such revocation or suspension under section 16 of this Act.